

**Fw: Material to be distributed to Supervisors**

**Susan Baker** to: Bruce Gibson, Katcho Achadjian, James Patterson, Adam Hill, Frank Mecham

08/02/2010 08:34 AM

Cc: Amy Gilman, Cherie Aispuro, Vicki Janssen, Susan Devine, Vicki Shelby, cr\_board\_clerk clerk recorder

Susan Baker  
Secretary, Board of Supervisors  
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----- Forwarded by Susan Baker/BOS/COSLO on 08/02/2010 08:34 AM -----

From: Elizabeth Rolph <elizabeth@rolph.biz>  
To: Baker Susan <sbaker@co.slo.ca.us>  
Cc: Isensee Michael <misensee@co.slo.ca.us>, Nall Karen <knall@co.slo.ca.us>, Pasciuto Kim <senzapensieri@sbcglobal.net>  
Date: 07/31/2010 09:08 AM  
Subject: Material to be distributed to Supervisors

Susan--

Attached please find a brief report on how several other counties are handling the question of temporary events and a cover letter for the supervisors. The question of Temporary Events is scheduled for hearing on August 10th. Please distribute these two items on the subject to each of the Board members for us.

Thank you very much.  
Elizabeth



cover ltr comp rpt to BoS.doc Comparison of TEvent Rules.pdf

Item # D-1 Meeting Date: 8/10/10  
Received: ☒ Prior to meeting  
☒ Posted to web: 8/6/10  
☐ At the Board meeting  
☐ Day of or after meeting not posted

Board of Supervisors  
Government Center  
San Luis Obispo, CA

July 28, 2010

Dear Supervisors Mecham, Achajian, Gibson, Hill, and Patterson,

The Planning Department's proposed amendments for the Temporary Events ordinance will be coming to you shortly. On several occasions you have asked Planning for information on how other counties are handling this question with the notion that we might learn from their experiences. To the best of our knowledge, they have not had an opportunity to pull much of this information together.

Since it does not seem reasonable to pursue serious consideration of what San Luis Obispo should do with respect to Events without considering the experiences of other like counties, we have surveyed the four counties we believe most resemble San Luis Obispo in their economic dependence on the wine industry and commitment to agriculture. This survey was current at the beginning of this year and we only reviewed provisions in LUOs; we did not explore implementation practices or political history.

We attach a brief summary of our findings for your use with the hope that this information will help in your deliberations and that using the experiences of other counties to inform our policy choices may become a regular practice.

Sincerely,

Elizabeth Rolph and Kim Pasciuto  
Co-Chairs, ATC

Cc: Michael Isensee, Karen Nall

Attached: Four County Comparison of Temporary Events Provisions

# **I. SUMMARY**

## **TEMPORARY EVENT RULES: FOUR COUNTY COMPARISON**

January, 2010

Counties have much to learn from each other as they tackle problems that others have already dealt with. This report summarizes the LUO provisions that apply to *temporary events* on ag and rural-zoned lands currently in place in four counties; Monterey, Napa, Santa Barbara, and Sonoma.<sup>1</sup> Although they differ in many respects, these counties are similar in that they all, in varying degrees, have significant wine and ag tourism sectors.

### **1. COMMONALITIES AND DIFFERENCES AMONG FOUR COUNTIES**

- None of the four counties allow event *facilities* [Public Assembly and Entertainment] in rural land use categories.
- Two of the four counties have separate winery ordinances that establish specific rules for activities at wineries. Monterey and Sonoma do not.
- Three of the four counties do not allow “special events” [events that are not specifically regulated under the county’s winery or temporary event/use rules] on ag and rural lands. Monterey is the exception.
- Temporary Events, when allowed, are typically defined as *a single event that lasts no more than a set number of days and entails no grading or new/permanent construction*. Additional characteristics [eg. size, amplified music, purpose] may or may not be part of a definition.
- No county allows any new construction or grading to service temporary events.
- All counties require *discretionary* review of applications for commercial temporary event permits. The rules can vary depending on land use category and/or characteristics of the events with larger, more frequent events receiving more scrutiny. Napa has ministerial rules but does not allow commercial events such as weddings.
- Napa’s ordinance has two unique characteristics: 1] an annual license good for a specific set of events that entails no permanent land use entitlement and 2] a fee structure tailored to the size/type of the event [category].
- Rules may vary, depending on the purpose of the event. Three of the four counties have more permissive rules that apply only to non-profit or public benefit events. Monterey is the exception. Sonoma also favors events linked to direct marketing of ag products.

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<sup>1</sup> Please note that we review code provisions here; we have not explored implementation practices.



- Some counties choose to organize and adjust regulations for events according to *zoning category* [Sonoma, Santa Barbara, and Monterey], believing that the land use categories offer sufficient distinguishing characteristics for purposes of regulating events. Other counties choose to organize provisions according to the *type or purpose* of the event—for example, direct marketing [wine or other ag products] or non-profit fundraising may enjoy a privileged position [Sonoma, Napa, and Santa Barbara<sup>2</sup>]. Some counties choose to organize their provisions according to the perceived *impacts* of the events—according to size, use of amplified sound, and perhaps location—in a direct effort to protect neighborhoods or particular county lands from excessive impacts. Amplified sound is a major issue and is prohibited or requires significant additional review.

## 2. UNIQUE CHARACTERISTICS WORTHY OF ADDITIONAL EXPLORATION

Several of the counties have adopted unique mechanisms for dealing with temporary events and their associated problems. Some that seem worthy of special attention include:

- Use of *categories* to capture the idea that impacts [size, frequency] and purpose are key attributes driving regulation. [Napa]
- Proportionality for ag events: They should be proportional in some way to the on-site agriculture. [Sonoma]
- Scale and location important factors [Sonoma]
- Size as a determinant of scrutiny for *non-profit* events. [Santa Barbara, Napa]
- Excessive concentration of events in an area is basis for denial [Sonoma]
- Permit or license good for a single event or a set of events; not an entitlement that runs with the land. [Napa and others]
- Complaints lead to higher scrutiny upon renewal. [Napa]
- Fee schedule that exceeds simple costs of processing. [Napa]
- Events corridors [Monterey, Sonoma]
- Pilot ag events coordination and tracking program [Sonoma]

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<sup>2</sup> Some counties capture a couple of these dimensions in the construction of their rules.



## **II. FOUR COUNTY COMPARISON OF TEMPORARY EVENTS PROVISIONS**

January, 2010

San Luis Obispo County is contemplating the adoption of an Ag Tourism package that will include a Temporary Events Ordinance as one of six components. To aid this effort, our study examines how four similar counties, Napa, Santa Barbara, Sonoma, and Monterey counties handle events *in ag-capable and rural areas*. Event venues in commercial, industrial and residential categories are already recognized as appropriate zones for events and event facilities [for example hotels, restaurants, churches, theaters, event centers, etc.] so are not a current problem and are not dealt with here.

### **TYPES OF EVENTS**

Regulations target *four* varieties or types of events; temporary, winery, public assembly/entertainment (PA&E), and *other* or special.<sup>3</sup> The counties we examine have quite different approaches to regulating events in rural areas. For example, Napa, Santa Barbara, and SLO counties all have Winery Ordinances that regulate events at wineries, separate and in addition to their temporary events/uses ordinances.

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<sup>3</sup> A temporary event is a single gathering of a specified duration for which a permit or license is required. A winery event is a gathering held at a permitted winery or tasting room; use permits are typically issued to owners that entitle them to a specific number of site events each year in concert with the operation of the winery. Public assembly and entertainment events are events held in permitted event facilities and must conform to the specifications of the facility permit. *Other* or *special* refers to allowed uses that capture the idea of an event.

### TREATMENT OF EVENTS BY TYPE

County	Temporary Events Ordinance	Winery Ordinance w. Events	Public Assembly and Entertainment	<u>Other</u> or Special Events Provisions
<b>Monterey</b>	No specific TE provisions/standards,	Monterey Ag Winery Corridor Plan [2006]	Not allowed in agricultural/rural zones	An allowed use in all Ag LU categories w. use permit
<b>Napa</b>	Yes; An event or series of common events is permitted with a renewable <i>license</i> .	Yes, limited to marketing; 1990. No cultural/social events	Not allowed in agricultural/rural zones	None allowed
<b>Santa Barbara</b>	Yes; temporary uses [eg. art shows, car washes, charitable functions, seasonal sales lots. <sup>4</sup> ] allowed with no permanent alteration of site.	Yes	Not allowed in agricultural/rural zones	No events that do not meet the “ <i>temporary use</i> ” definition are allowed.
<b>Sonoma</b>	No	No	Not allowed in agricultural/rural zones. Allowed in “K” Districts [commercial/rec]	Three types of “other” events are allowed: marketing, cultural, and if use permit specifically allows, weddings/ lawn parties w. no amplified sound in B&Bs and w. amplified sound at dude ranches.
<b>San Luis Obispo</b>	Yes; a specific temporary event ordinance. [For definition, see below.]	Yes; 2001	Not allowed in agricultural/rural zones	None allowed

Since how to deal with Temporary Events is the focus of SLO County’s deliberation, the rest of our study focuses on rules that apply to this type of event.

### STATEMENT OF LEGISLATIVE INTENT

All regulatory arrangements make trade-offs. Legislative bodies often make clear how they want the trade-offs made by prefacing provisions with a statement of intent—in this case, how to strike the balance between economic growth, protection of agriculture, and protection of neighbors.

Santa Barbara’s Intent section states: “the intent [of the Temporary Uses provisions] is to give special consideration to temporary uses and structures *in order to prevent adverse effects on surrounding properties and to coastal resources through the application of appropriate conditions*. [Italics added.]

Napa’s LUO typically includes strong legislative intent findings for each section. Although it does not have an intent section that specifically deals with events, it does have intent

statements that apply to agricultural lands and winery regulation. In sum, this language states that a) the primary economic engine in Napa is agriculture/viticulture and b) that it is the goal of the rules to protect agricultural lands, the grape industry, and the rural aesthetic of the county.

While Sonoma does not have a temporary events ordinance or a winery ordinance, it does incorporate several very interesting concepts in its 2008 Agricultural Resources Element. Support or accessory uses must be *both necessary for and proportional to* the agriculture being served. AR-6 further states that new visitor serving uses and facilities in certain agricultural areas [should be limited] *in scale and location*. [See Appendix A.]

### DEFINING A TEMPORARY EVENT

Definitions are critical in that they determine what activities are captured by the regulations. In summary, the following characteristics are common in the four counties we reviewed.

- Temporary events are *single* events, not a repeating set of events.
- Duration of that single event is limited to some number of days.
- No grading or permanent construction is allowed
- Additional characteristics [eg. size, amplified music, purpose] may or may not be part of a definition.

Further information on how each of the counties defines temporary events can be found in Appendix B.

### REGULATORY STRUCTURE FOR TEMPORARY EVENTS

How a county chooses to structure or organize an events ordinance appears to reflect the county's priorities. Some counties choose to organize and adjust regulations for events according to *zoning category*. Others choose to organize provisions according to the *type* or *purpose* of the event—for example, direct marketing [wine or other ag products] or non-profit fundraising may enjoy a privileged position. Still others organize their provisions according to the perceived *impacts* of the events—according to size, use of amplified sound, and perhaps location—in a direct effort to protect neighborhoods or particular county lands from excessive impacts.

- Monterey County applies rules by zoning category—assemblages are a permitted use.
- Napa has a structure that distinguished among different sizes and frequencies of events to be licensed—thus a system designed to contain impacts.
- Incorporating zone and type of event, Santa Barbara and Sonoma have opted for mixed structures based in part on zoning category and in part on impacts.



While it would be nice to structure an ordinance that takes all concerns into account—consistency with purpose of zoning category, type of event, access to public and safety services, likely neighborhood and land use impacts, etc.--, there are trade-offs between simplicity and nuanced regulation.

## KEY PROVISIONS

In addition to the “*what* is allowed” [the definition] and “*where*” questions discussed above, provisions must speak to what kind of review might be required; what constraints might be imposed; what fees might be required; and what standards should apply. The comparison counties have answered these questions differently.

1. **Permits:** The counties typically require some sort of *discretionary* review, although the level of scrutiny will vary depending on land use category and/or size and frequency of proposed events.
  - **Monterey**--all temporary events [assemblages] in rural zones require a discretionary permit
  - **Napa**—Minor events [under 50] need no permit. Otherwise, level of review intensifies with category of event. [Higher categories are larger, more frequent, etc.] Napa does not require a land use permit; instead, it requires an annually renewable *license*.
  - **Santa Barbara**—Code creates a list of types of temporary events and matches them with zoning categories, identifying in which zoning categories what types of events are allowed, what permits are required, and what general regulations apply. Rules vary by zoning category and with some types of events [charitable, for example], by size of site, frequency and number of people attending.
  - **Sonoma**—Events marketing on-site grown ag products are an allowed use with no permit required. Cultural events require an administrative permit. Commercial events [weddings, lawn parties, and similar activities in rural/agricultural categories must be approved as part of the permit for a host facility [eg. B&B, dude ranch].
  - **San Luis Obispo**—Requires a MUP for all temporary events, including non-profit events that charge for admission or last more than 8 hours.
2. **Fees:** Napa is the only county with a fee structure tailored to the size/type of the event [category] and thus to the anticipated workload for the county; the fee schedule charges per event. The other counties impose fees in the traditional manner--by type of permit required.
3. **Size and Frequency:** Napa caps the number of events allowed from each category of event. Both Napa and Santa Barbara increase levels of scrutiny and fees as size

and/or frequency of events increase. The other counties do not. 50 and 300 are two typical size break points.

4. **Roads:** No county uses type of road or distance from a URL to determine level of scrutiny. However, Sonoma mentions the merits of this idea and their new Ag Policy.
5. **New Construction:** No county allows new construction or grading to service temporary events, except possibly Sonoma, which is silent on the subject.

#### TYPES OF EVENTS LIKELY TO RECEIVE SPECIAL TREATMENT

1. **Non-profit:** Most counties, especially those with the more stringent requirements, greatly reduce restrictions on non-profit and public benefit events.

Napa, by its strict definition of a temporary event, restricts allowable events to non-profit/public benefit gatherings. Santa Barbara relaxes permitting requirements for charity events. And Sonoma has a special category for “cultural” or public benefit events that gives them special opportunities.

2. **Agricultural Events:** Sonoma is the only county that specifically provides for promotional events that support direct marketing of ag products grown on site and requires no permitting for these.
3. **Amplified Music/Sound:** Several counties single out amplified sound as a characteristic that will determine level of scrutiny. Napa, Sonoma, and Santa Barbara all use the presence of amplified sound or music to substantially elevate the permit/scrutiny required. *Only* events with no amplification can escape review.

#### STANDARDS

The counties have quite different ways of handling the issue of standards and of what standards they impose. The main questions include:

1. *Should the ordinance rely on existing code standards for noise, light, sanctions, revocation of permit, etc., or should it prescribe new standards specifically tailored to the problems imposed by events?* Most counties rely on general required findings and existing standards in the ordinance. Napa is the exception; Napa has a set of standards crafted specifically for events.
2. *If there is to be a special set of standards, should they be written into the ordinance or provided in a separate manual drafted by the Planning Department and approved by the Board as needed?* Again, Napa is the only county that uses the latter mechanism, saying this approach allows for simpler, more responsive setting of standards.

3. *What, if anything, should be the basis of waiving standards?* This is a very important question, but we are not sure, at this point, how counties handle waivers within the context of discretionary permit reviews.

### **UNIQUE MECHANISMS FOUND IN THE FOUR OTHER COUNTIES**

Several of the counties we examined have adopted unique mechanisms for dealing with temporary events and their associated problems. Some of these mechanisms might work well in SLO County.

- Permit or license good for a single event or a set of events; not an entitlement that runs with the land
- Use of *event categories* to capture the idea that impacts [size, frequency] and purpose are key attributes that should drive regulation. [Napa]
- Proportionality for ag events: Ag events should be proportional in some way to the on-site agricultural use. [Sonoma]
- Scale and location are important factors [Sonoma]
- Size as a determinant of scrutiny for *non-profit* events. [Santa Barbara]
- Excessive concentration of events in an area is basis for denial [Sonoma]
- Complaints lead to higher scrutiny upon renewal. [Napa]
- Fee schedule that exceeds simple costs of processing. [Napa]
- Event corridors [Monterey, Sonoma]
- Pilot ag events coordination and tracking program [Sonoma]

### **CONCLUSIONS**

While by no means complete, this review of how a few other counties—counties that are similar to SLO county in many important ways—handle temporary events. It points to the similarities in the problems these counties face as they grow, but also to the diversity of solutions they often choose. There is much still to be learned in a closer examination of their successes and their disappointments.



### **III. APPENDIX A--- LEGISLATIVE INTENT IN SONOMA**

Sonoma's 2008 Agricultural Resources Element includes several extremely specific policies implementing its AGPs as follows:

**Policy AR-6d:** Follow these guidelines for approval of visitor serving uses in agricultural areas:

- The use promotes and markets only agricultural products grown or processed in the local area.
- The use is compatible with and secondary and incidental to agricultural production activities in the area.
- The use will not require the extension of sewer and water.
- The use is compatible with existing uses in the area.
- Hotels, motels, resorts, and similar lodging are not allowed.
- Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.
- Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts.

**Policy AR-6e:** Recreational facilities for off-road vehicles of any size shall not be permitted within any agricultural land use category.

**Policy AR-6f:** Local *concentrations* of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:

- Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis.
- Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.
- Whether the above uses would be detrimental to the rural character of the area.

#### **IV. APPENDIX B—DEFINING TEMPORARY EVENTS**

The counties have adopted the following definitions.

**1. Monterey:** Monterey has no specific definition of an event. However, it provides that “Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities,” may occur with a permit on its various ag and rural lands

**2. Napa:** “ ‘Temporary event’ or ‘event’ means any festival, fair, show, showcase, house or garden design tour, concert, dance, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals for the purpose of observing or engaging in expressive activities within the ambit of the First Amendment of the United States Constitution and Sections 2, 3 and 4 of Article 1 of the California Constitution, including, but not limited to, music, dance, theater, speech, athletics, or any other visual, audio, or tactile arts or combination thereof, including incidental retail sales of the products of such activities, as long as such sales are not advertised off-site; which is held at any place other than a highway as defined in Section 10.24.010 of this code, a permanent building or installation constructed and primarily used for the purpose of conducting such activity or one similar thereto, property owned or leased by the state of California, or property owned or leased by a public school district for use as a public school site, ***and to which the public is invited or admitted with or without the payment of an admission charge.***” Thus, a temporary event cannot be a private, commercial event such as a wedding on a hired site.

**3. Santa Barbara:** “Temporary use within the Inland area is defined as the use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. The code lists all allowed kinds of temporary uses, including carnivals, farmers’ markets, public assembly in facilities, commercial gatherings, rodeos, art shows, swap meets, car washes, charitable functions, and seasonal sales lots.” Other *like-types* of gatherings are also allowed.

**4. Sonoma:** Sonoma specifies several types of events and sets forth the rules that apply for each in the Code’s “allowed uses” sections.

“*Cultural events*” means periodic special events such as parades, concerts, festivals, races and gatherings that attract, either by direct participation, or as spectators, a large gathering of people. The following are not cultural events for the purposes of this chapter [*thus, these events are defined outside of the regulatory structure*]:

- a) Events conducted entirely within dedicated rights-of-way where event sponsors have secured necessary encroachment or other permits from the

county surveyor and, if applicable, the California Department of Transportation;

- b) Events conducted entirely within a building for which all necessary county permits have been secured, provided that the events are within the scope of the use for which the building was permitted;
- c) Events conducted at fairgrounds or events conducted at outdoor spectator facilities for which a use permit has been obtained, provided that the outdoor event is within the scope of the use permit;
- d) An event which has all of the following characteristics [*meaning that such an event is allowed without a permit*]:
  - Has no live amplified music;
  - Does not involve an admission fee either for participants or spectators;
  - Is a one-day event conducted between the hours of seven a.m. and eleven p.m.;
  - Does not involve overnight sleeping of participants or spectators;
  - Is not conducted more than one calendar day in a thirty (30) day period;
  - Is not accompanied by newspaper, radio, or television advertising or printed leaflets distributed to the public at large; and
  - Does not involve the sale of food or beverages.

*Weddings and lawn parties* are undefined, although they are allowed when a B&B or dude ranch has requested them as part of their permit application.

*Temporary sales and/or promotion of crops* grown or processed in the county are also allowed in certain ag zoning categories.

**5. San Luis Obispo:** "Temporary Events (land use). Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts."





**Fw: D-1 EVENTS**

**Board of Supervisors** to: Bruce Gibson, Katcho Achadjian, James  
Patterson, Adam Hill, Frank Mecham

08/06/2010 08:46 AM

Sent by: **Susan Baker**

Cc: Amy Gilman, Cherie Aispuro, Vicki Janssen, Susan Devine,  
Vicki Shelby, cr\_board\_clerk clerk recorder

----- Forwarded by Susan Baker/BOS/COSLO on 08/06/2010 08:46 AM -----

From: "Susan Harvey" <ifsusan@tcsn.net>  
To: <BoardOfSups@co.slo.ca.us>  
Date: 08/06/2010 08:21 AM  
Subject: D-1 EVENTS

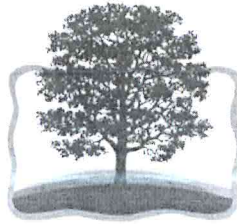
Dear Susan – Please distribute our North County Watch comments to the Board of Supervisors. Thank you, Susan Harvey

Susan A. Harvey  
805-239-0542



BoS Ag Events August 10, 2010.pdf

Item # D-1 Meeting Date: 8/10/10  
Received: ☒ Prior to meeting  
☒ Posted to web: 8/6/10  
☐ At the Board meeting  
☐ Day of or after meeting not posted



North County Watch

Looking Out Today For Tomorrow

August 6, 2010

Email to: "Board of Supervisors" <BoardOfSups@co.slo.ca.us>

Board of Supervisors  
County of San Luis Obispo  
New County Government Center  
San Luis Obispo, CA 93408

Subject: Item D-1 Re-Direction for Events Ordinance

Dear Chairman Mecham and Supervisors:

North County Watch is a member of the Ag Tourism Coalition. We have additional concerns and comments for your consideration.

GENERAL PLAN CONSISTENCY<sup>i</sup>

Events appear to be de-coupled from any agriculture on site. This appears to be a violation of California Government Code 65860<sup>ii</sup> “(a) County or city zoning ordinances shall be consistent with the general plan....” The admonition under 65860 et seq. is:

(c) In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.

In a classic cart before the horse, are we preparing to adopt an ordinance and then amend the General Plan to be consistent with the ordinance? This would be a violation of State law. We further caution that any change or amendment to an ordinance must be referred to the Planning Commission. (65854, 65857)<sup>iii</sup>

While the discussion has centered on weddings, absent a connection to ag on-site, almost any activity could qualify as an event. This throws open the door to “events” like dirt bike racing off-road vehicle events, or automobile races, motorcycle rally, horse or livestock events that require very large staging areas – for example.

*Page 1 of 4* Events - Board of Supervisors, August 10, 2010

North County Watch P.O. Box 455 Templeton, CA 93465

## ENVIRONMENTAL IMPACTS

Any events related ordinance changes will require the preparation of an Environmental Impact Report because of the very permissive nature of the proposed events changes, including but not limited to the adoption of ministerial permits, and, if for no other reason, the sheer number of properties of 20 acre and larger that could qualify for events venues.

The vehicle miles traveled that could be generated by x number of events for x times a year must be assessed as well as the impacts to Air Quality and Green House Gas Emissions. There will be impacts. They will need to be mitigated.

The potential for the events package to generate public and private nuisance needs assessment. The public has the right to the quiet enjoyment of their property. There is no mechanism for regulating simultaneous events on contiguous properties and the cumulative impact of each event on roads, traffic, noise and dust. The county has the responsibility for maintaining the health and safety of all residents. Many of the properties that will be eligible for ministerial permits are in high and very high fire danger areas. No site visits are required for the ministerial permits. The county will be assuming liability for any hazards and injuries created by events permits.

North County Watch thanks you for considering our suggestions and recommendations.

Sincerely,  
Susan Harvey

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### <sup>i</sup> LEGISLATIVE INTENT

As you know, the legislative intent must carefully incorporate AgTourism within the existing county General Plan. Some areas where consistency and compatibility should not be overlooked are:

#### **1. Agriculture Lands under Williamson Contract**

In January 2004 the State installed stiff penalties to property owners whose land is under an automatic annually renewed Williamson contract when they deviate from the contract. Specifically disallowed activities are commercial, industrial and residential development. Only onsite Ag related and Ag compatible uses are allowed.

#### **2. Open Space Zoning**

Lands within county open space zoning – for example, Agriculture, Rural Lands and Recreation – cannot be converted to commercial uses. State law requires a variance be processed and a finding made that there is a public necessity for a proposed new use. The county's Open Space Zoning is



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not new; it is however rarely mentioned. An open space zoning ordinance was mandated by 1973 according to state government code.

### **3. Strategic Growth Principles**

Strategic Growth Principles were added to the Framework for Planning in 2009 with the intended purpose to direct development into urban areas. A future AgTourism package of amendments must be carefully crafted not to conflict with strategic growth principles or create unfair economic competition with urban facilities such as the Paso Robles Event Center.

### **4. AgTourism Package**

Taking the above into consideration, any accessory uses can have the impact of creating de facto commercial or industrial zones in inappropriate rural areas. All proposed amendments that will impact our rural areas and our agricultural resources should be looked at in a comprehensive way. It is most important to avoid a piecemeal approach to these policies and ordinances. Included in a comprehensive package must be a careful review of traffic circulation and access points. Merely relying on broad Public Works designations of arterial and collector road criteria does not serve the public or the agricultural community.

ii 65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1974. A zoning ordinance shall be consistent with a city or county general plan only if both of the following conditions are met:

(1) The city or county has officially adopted such a plan.

(2) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.

(b) Any resident or property owner within a city or a county, as the case may be, may bring an action or proceeding in the superior court to enforce compliance with subdivision (a). Any such action or proceeding shall be governed by Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the **Code** of Civil Procedure. No action or proceeding shall be maintained pursuant to this section by any person unless the action or proceeding is commenced and service is made on the legislative body within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance.

(c) In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.

(d) Notwithstanding Section 65803, this section shall apply in a charter city of 2,000,000 or more population to a zoning ordinance adopted prior to January 1, 1979, which zoning ordinance shall be consistent with the general plan of the city by July 1, 1982.

iii 65854. The planning commission shall hold a public hearing on the proposed zoning ordinance or amendment to a zoning ordinance. Notice of the hearing shall be given pursuant to Section 65090 and, if the proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, notice shall also be given pursuant to Section 65091.

65857. The legislative body may approve, modify or disapprove the

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recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification.